

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

REO L. COVINGTON,

Plaintiff,

v.

NANCY BOWENS, et al.

Defendants.

ORDER

Case No. 23-cv-166-wmc

On April 6, 2023, I entered an order assessing plaintiff Reo L. Covington an initial partial payment of \$31.63 in the above case. Now plaintiff has filed a motion to waive the initial partial filing fee. Dkt. 6. I will deny plaintiff's motion without prejudice for the following reasons.

In 28 U.S.C. § 1915, Congress has dictated the manner in which prisoners must pay the fees for filing federal lawsuits and appeals, and I have no discretion to modify this method. In calculating the amount of plaintiff's initial partial payment in this case, I used the inmate account statement plaintiff submitted on April 3, 2023, in support of his for leave to proceed without prepaying the fee. Dkt. 3-1. That inmate account statement shows that plaintiff has had deposits made to his account, which I was able to calculate plaintiff's average monthly deposits to be \$31.63. Therefore, I will deny without prejudice plaintiff's motion to waive the initial partial filing fee. However, I will give plaintiff an extension of time until June 1, 2023, to submit the \$31.63 initial partial payment.

ORDER

IT IS ORDERED that:

1. Plaintiff Reo L. Covington's motion to waive the initial partial payment in the above case, dkt. 6, is DENIED without prejudice.

2. Plaintiff may have an enlargement of time to June 1, 2023, in which to submit a check or money order payable to the clerk of court in the amount of \$31.63 or to submit an updated inmate account statement or other documentation that shows how his financial situation has changed.

3. If, by June 1, 2023, plaintiff fails to make the \$31.63 initial partial, or to show cause for his failure to do so, plaintiff will be held to have withdrawn the action voluntarily and the case will be closed without prejudice to plaintiff's filing this case at a later date.

Entered this 11th day of May, 2023.

BY THE COURT:

/s/

ANDREW R. WISEMAN
United States Magistrate Judge